

Notice of Intent to Certify Sole Source

To: Interested Parties

From: David C. Johnson

CC: ITS Project Number 47306

Date: March 7, 2023

Re: Sole Source Certification Number 4526 to provide Traffic signal software maintenance for the Mississippi Department of Transportation (MDOT)

Contact Name: Debbie Parker

Contact Phone Number: 601-432-8159

Contact E-mail Address: Debbie.Parker@its.ms.gov

Sole Source Certification Award Details

Regarding Information Technology Services (ITS) Sole Source Certification Number 4526 for the Mississippi Department of Transportation (MDOT), please be advised that ITS intends to award Temple, Inc., as the sole source provider of Traffic signal software maintenance through June 30, 2026, in an amount not to exceed \$37,500.00. Please be advised that ITS will determine if additional licenses, enhancements, upgrades, support, or equipment are within scope during the certification period and may increase the spending authority accordingly. Should Temple, Inc. change their name during this certification period, then ITS will determine if a recertification is necessary. For an explanation regarding Mississippi state law, policy and procedures for sole source procurements, refer to Attachment B: Sole Source Procurement Overview.

Sole Source Criteria

1. The product or services being purchased must perform a function for which no other product or source of services exist:

Statewide traffic signal system management software enables Traffic Signal Engineers to efficiently manage the State of Mississippi's traffic control assets remotely saving time and fuel costs. Signal management software also synchronizes traffic signals along heavily congested corridors allowing progression which saves fuel costs, lowers delay, and maximizes safety.

2. The purchaser must be able to show specific business objectives that can be met only through the unique product or services:

Existing traffic signal infrastructure is proprietary equipment statewide and other manufacturers do not interface correctly with this equipment. Maintaining same brand software and firmware ensures maximum compatibility and correct data sharing.

Attachment A

3. The product or services must be available only from the manufacturer and not through resellers who could submit competitive pricing for the product or services:

Temple, Inc. is the exclusive authorized Service Provider for Yunex Traffic signal controllers and Tactics Central Software System in the South East US, including the state of Mississippi. The Vendor's sole source certification letter is included as Attachment A.

Schedule

Task	Date
First Advertisement Date	03/07/23
Second Advertisement Date	03/14/23
Response Deadline From Objectors	03/21/23 at 3:00 P.M. Central Time
Notice of Award/No Award Posted	Not before 03/22/23

Project Details

The YUNEX Traffic 360 Tactics software licenses and maintenance services were originally purchased by MDOT without ITS involvement, most often as part of various construction projects. The software allows MDOT engineers the capability to manage and monitor traffic signal operations remotely statewide. MDOT requests to procure three additional years of software maintenance to continue using Tactics at a cost of \$37,500.00 for maintenance through June 30, 2026.

Submission Instructions and Format of Response from Objecting Parties

Interested parties who have reason to believe that the Traffic signal software maintenance should not be certified as a sole source should provide information in the following format for the state to use in determining whether or not to proceed with awarding the Sole Source contract to Temple, Inc..

1.1 Interested Party Information

1.1.1 Contact Name, Phone Number and email address

1.1.2 Company Website URL, if applicable

1.2 Objection to Sole Source Certification

1.2.1 Interested parties must present specific objections to the Sole Source certification using the criteria listed above.

1.2.2 A statement regarding the Interested Party's capabilities as related to this Sole Source Certification Request.

1.3 Comments will be accepted at any time prior to Tuesday, March 21, 2023, at 3:00 p.m. (Central Time) to Debbie Parker at Debbie.Parker@its.ms.gov or at the Mississippi Department of Information Technology Services, 3771 Eastwood Drive, Jackson, Mississippi 39211. Responses may be delivered by hand, via regular mail, overnight delivery, e-mail or by fax. Fax number is (601) 713-6380. ITS WILL NOT BE RESPONSIBLE FOR DELAYS IN THE DELIVERY OF RESPONSES. It is solely the responsibility

Attachment A

of the Interested Parties that responses reach ITS on time. Interested Parties may contact Debbie Parker to verify the receipt of their Responses. Responses received after the deadline will be rejected.

1.4 Interested Party responses should include the following information:

**SUBMITTED IN RESPONSE TO
Sole Source Certification No. 4526-47306
Accepted until March 21, 2023 @ 3:00 p.m.,
ATTENTION: Debbie Parker**

If you have any questions concerning the information above or if we can be of further assistance, please contact Debbie Parker at 601-432-8159 or via email at Debbie.Parker@its.ms.gov.

Attachment A: Vendor Correspondence

Attachment B: Sole Source Procurement Overview



February 20, 2023

James S. Sullivan, P.E.
State Traffic Engineer
Mississippi Dept of Transportation

RE: TACTICS Software Service Provider for Central Signal Control

Dear Mr. Sullivan:

This letter is to verify that Temple, Inc., located at 305 Bank St, Decatur, AL 35601 is the exclusive authorized Service Provider for Yunex Traffic's signal controller and Central Software System in the South East US, which includes: AL, AR, FL, GA, LA, MS, SC, and TN.

Temple, Inc. is also the sole source provider for Yunex's (formerly Siemens) TACTICS Central software system in the above-mentioned states. Temple and Yunex Traffic have had a business relationship spanning over 60 years in the industry.

As the Tactics Service Provider, Temple can provide Mississippi DOT with the Yunex 360 Software Services and ensure that the upgrades and updates to your system are installed seamlessly and efficiently.

Temple, Inc. is proposing an upgrade to your Tactics Central by renewing your 360 Software Services Agreement. Please see the attached 3 – Year Proposed Agreement.

Thank you for your interest and the opportunity to renew our services with MDOT. If additional information is needed, please contact us at 800-633-3221.

Sincerely,

Forrest Temple
President

Cc: Jeff Smith

Temple, Inc.
P.O. Box 2066 • Decatur, AL 35602-2066
(256) 353-3820 • (800) 633-3221
Sales/Customer Fax (256) 353-4578 • Accounting Fax (256) 353-3351

Attachment B

The acquisition of information technology for all state agencies and institutions of higher learning (IHLs) is within the scope of the ITS law, found in Mississippi Code Section 25-53-1, et seq., and the policies and procedures established in accordance with this statute, found in the ITS Procurement Handbook posted on the ITS website (www.its.ms.gov).

ITS enabling legislation requires that information technology hardware, software and services be acquired in a manner that insures the maximum of competition among all manufacturers and suppliers of such equipment and services. Accordingly, ITS promotes full and open competition through the issuance of open specifications and the objective evaluation of Interested Party proposals to determine the lowest and best offering to meet an agency's or public university's business requirements. True competition protects the integrity and credibility of purchasing in the public sector and is essential in providing best value and adequate contractual protection for the purchasing entity. In certain limited situations, information technology acquisitions may be sole-sourced.

ITS utilizes the provisions of Public Purchasing Law for Sole Source and Emergency procurements of information technology. Mississippi Public Purchasing Law (Mississippi Code Section 31-7-13) specifies that noncompetitive items available from one source only be exempted from bid requirements (sole-sourced). ITS statute, in Section 25-53-5 (p), permits ITS to utilize provisions in Public Purchasing Law or regulations, when applicable.

Per Public Purchasing law, acquisitions must meet the following criteria to be authorized as sole source:

1. The product or services being purchased must perform a function for which no other product or source of services exists,
2. The purchaser must be able to show specific business objectives that can be met only through the unique product or services, AND
3. The product or services must be available only from the manufacturer and NOT through resellers who could submit competitive pricing for the product or services. The vendor's correspondence regarding this criterion for this project is included as Attachment A.

By policy as documented in the ITS Procurement Handbook, acquisitions of IT services must include the following information to be authorized as sole source:

1. An explanation about why the amount to be expended is reasonable, and
2. An explanation regarding the efforts by the purchaser to obtain the best possible price.

For state agencies, approval of all technology purchases with a lifecycle cost of \$5,000 or less, including sole source purchases, has been delegated to the agency. The ITS Procurement Limits Policies for Agencies (a section in the ITS Procurement Handbook) require a minimum of two competitive written bids or proposals for technology purchases with a lifecycle cost over \$5,000 but not over \$50,000 (not over \$25,000 for projects funded by the American Recovery and Reinvestment Act). Since, for single source items, the procuring agency will be unable to obtain two written bids, ITS must certify all sole source acquisitions of information technology with a lifecycle cost greater than \$5,000.

Institutions of Higher Learning (IHLs) or public universities have been delegated the authority to certify sole source procurements up to \$250,000 lifecycle cost under the ITS Procurement Limits Policies for IHLs (a section in the ITS Procurement Handbook). For the certification of sole source procurements delegated to the CIOs at public universities, the public university must follow ITS' Sole Source Procedure, including advertisement of the intent to award as sole source. Institutions certifying a sole source purchase must ensure the criteria listed above are met and documented in writing by the institution and the Interested Party prior to certifying a product or service as sole source. Sole source documentation must be reviewed and approved by the IHL's CIO for any sole-source certification

Attachment A

above \$5,000. All sole source documentation should be retained in the public university's procurement file. Sole source requests above \$250,000 lifecycle cost require ITS approval.

Other than the delegations outlined above, all sole source technology procurements must be certified by ITS.

ITS thoroughly reviews Sole Source Certification Requests, determining if competing products and/or services exist. If so, ITS conducts a competitive procurement. If ITS' review confirms the sole source, then a Sole Source advertisement is issued, giving other Interested Parties an opportunity to identify competing products and/or services. Based upon the results of the Sole Source advertisement, ITS will either certify the request as a sole source or conduct a competitive procurement.